Supreme Court, U.S.
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No. 04-

IN THE
Supreme Court of the United States

WALLACE R. BENNETT,

Petitioner,

v.

THE SOCIETY OF LLOYDS,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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DETERMINATIVE QUESTIONS PRESENTED

(1) Can an encompassing international enterprise, LLOYDS OF LONDON, justifiably claim federal diversity of citizenship jurisdiction under 28 U.S.C. § 1332 against a constituent American investor member thereof; can necessary diversity be created through assignments from dominated agencies and partnership syndicates to "The Society of Lloyds", a unique English "corporation and society", the designated plaintiff?[1]

(2) Can execution sought in the U.S. of an *en masse* U.K. summary judgment be based on the reputed general fairness of that foreign legal *system*, without also assessing applicable substantive due process standards and safeguards of the *forum state*, in this instance Utah statutes, case law and equity, in accordance with the congressional Rules of Decision Act, 28 U.S.C. § 1652.

(3) Can the economically-dominant party in a complex investment interrelationship (EDWARD WILLIAMS COUTTS & PARTNERS, LTD./ LLOYDS OF LONDON) with investor Wallace Reed Bennett, enforceably proscribe accounting set-offs between them; and take advantage of conflict of interest powers drafted into that fiduciary relationship, shielded by a U.K. government enactment?

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1. In hundreds of cases that have come and are coming to circuit courts, particularly the Sixth and now Tenth Circuit have reached opposite conclusions from the Seventh respecting threshold jurisdictional exclusions from 28 U.S.C. § 1332.

The Lloyds Act of 1982 **exempts**:

> the Society from liability in damages at the suit of a member of the Lloyd's community . . . whether for negligence or other tort, breach of duty or otherwise, in respect of any exercise of or omission to exercise any power, duty or functions conferred by Lloyd's Acts 1871 to 1982. . . . [a 111-year span]

[Somewhat parallel, but a more confined instance of trying to get into federal courts rather than state, by diversity jurisdiction are two recent bank cases: *Horton v. Bank One, N.A.*, 387 F.3d 426 (5th Cir. 2004) and *Wachovia Bank, N.A. v. Schmidt*, 388 F.3d 414 (4th Cir. 2004). Each bank sought federal diversity jurisdiction under 28 U.S.C. § 1348 for routine commercial litigation. In *Wachovia Bank* the Fourth Circuit held that federal diversity jurisdiction was lacking; in *Horton*, the Fifth Circuit found that the association could avail itself of 28 U.S.C. § 1348 jurisdiction notwithstanding the traditional policy that it was not completely diverse since it was deemed a citizen of states in which it was located.]

PARTIES TO THE PROCEEDING

Petitioner Wallace R. Bennett is a Utah resident who initially invested with William Edwards Coutts & Partners Ltd., Members Agent of London, England in 1978. In 1986 a novation substantially increasing Bennett's financial commitment was signed and notorized under Lloyd's common seal in Salt Lake City, Utah by the above parties: The Agency Agreement [Doc. 32, Exh. "1"].

Respondent, "The Society of Lloyds ("Lloyds") is purportedly an atypical English "Corporation *and* Society" acting under the Lloyds Acts of 1871-1982. The Society has investors therein, denominated "Names." Wallace Bennett is a constituent Member Name (#24021C).

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